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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,669	08/01/2005	Steve Chang Chiayee	ST02001USU (159-US-U1)	6803
34408 7590 08/21/2009 THE ECLIPSE GROUP LLP 10605 BALBOA BLVD., SUITE 300 GRANADA HILLS, CA 91344				
EXAMINER				
TO, TUAN C				
ART UNIT		PAPER NUMBER		
3663				
MAIL DATE		DELIVERY MODE		
08/21/2009		PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/523,669
Filing Date: August 01, 2005
Appellant(s): CHIAYEE ET AL.

Jeffrey C. Wilk
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/17/2009 appealing from the Office action mailed 04/24/2008.

(1) Real Party In Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any other related appeals, interference, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Boards' decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments after Final

The appellant's statement of the status of amendments after final rejection contained in the supplemental brief is correct.

(5) Summary of Claimed Subject Matter

The appellant's statement of the summary of the claimed subject matter is correct.

(6) Ground of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be viewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contains in the Appendix to the brief is correct

(8) Evidence Relied Upon

U.S. 6,542,823 Garin et al.

(9) Grounds of Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-6, 14-17, and 25 are rejected under 35 U.S.C. 102 (e) as being anticipated by Garin et al. (US 6542823B2).

Regarding claims 1 and 25, Garin et al. teaches a method for processing, within a mobile device, protocol aiding data received at a call processor with a Global Positioning System ("GPS") interface, where the protocol aiding data is produced according to a Geolocation Server Station protocol (6542823, column 5, lines 4-21, the handset 104 comprises a call processor CP 200 for performing call processing to receive data from a geo-location server (108)), the method comprising: receiving, at the GPS interface, the protocol aiding data received at the call processor ('823, figure 2, GPS section 202 receives the data from the geo-location server via the base station 106), converting the received protocol aiding data to interface data that is transparent to the Geolocation Server Station protocol; and passing the interface data to a GPS

module ('823, figure 2, the serial communication lines 204 is used to convert the received data from geo-location and passes it to the CP section 200).

As to claim 2, Garin teaches the act of packing the interface data into a message format before passing the interface data to the GPS module (abstract).

As to claim 3, Garin teaches that the call processor (200) receives the data from the base station (106) (figure 1 and 2).

As to claim 4, Garin discloses that the geo-location server station (108) (figure 1) produces the aiding data (column 4, lines 40-42).

As to claim 5, Garin teaches that the geo-location server utilizes a CDMA protocol to produce the protocol aiding data (see column 11, lines 3-10).

As to claim 6, Garin does not specifically teaches the protocol is IS-801, however, such feature is inherently included because Garin teaches the wireless network system, CDMA, which is synchronized on absolute GPS. A protocol IS-801 can be inherently include to enable the network-assisted GPS via messaging over the CDMA wireless link.

As to claims 14-16, Garin teaches that the wireless handset (104) comprises a GPS receiver that acquires the wireless signal (data) from the GPS satellites (102) (figure 1), and that the GPS signals received from the satellites are used to calculate the location of the wireless handset (104) (column 4, lines 46-49).

As to claim 17, Garin teaches that passing the interface data to a GPS module includes passing the interface data via a RS232 link (see figure 3, RS 232).

(10) Response to Argument

The appellant's arguments in the brief states that the examiner has failed to make a *prima facie* case of anticipation because the cited reference to Garin fails to teach or suggest each and every element recited in each pending claims, and therefore it is deficient under 35 U.S.C. 102 (e).

The appellant specifically points out the cited reference fails to include the step of converting protocol aiding data received at a call processor of a mobile device to interface data that is transparent to a Geolocation Server Station protocol of a network.

In contrast, the examiner has discovered Garin solves the problem of conventional GPS receiver that has limited ability to acquire GPS satellite signals under indoor or limited sky-view conditions. Garin solves the same problem as the current invention does by teaching integrating GPS components with wireless communication system such as cellular, paging, two-way paging, PDA, Bluetooth, and PCS system. As illustrated in Garin, when the GPS system is not receiving a strong enough GPS signal, the GPS system has the capability of switching to the "network aided" mode, which is the mode of operation wherein the wireless communication system helps or "aids" the GPS system to acquire, track, and/or navigate using the GPS signals received by the GPS receiver.

Garin directs to a wireless handset integrated with GPS receiver having the capability of performing the steps: "receiving, at the GPS interface, the protocol aiding data received at the call processor; converting the received protocol aiding data to

interface data that is transparent to the Geolocation Server Station protocol; and passing the transparent interface data to a GPS module". As being similar to the current invention, the wireless handset (104) described in figure 2 of Garin comprises a call processing (CP) section (200), a GPS module (202), and the serial communication interface (204) wherein said interface is further described in figure 3 as the RS232 data link. The wireless handset (104) receives the network aid data, at the CP section (200), from the Geolocation service center (108). Within the handset (104), the communications between the CP section (200) and the GPS module (202) take place, wherein such the communication allow signals to be transferred from the CP section (200) to the GPS module (202) using the communication link (204) and hardware lines (206). According to this, the wireless handset (104) is capable to receive the protocol aiding data from the Geolocation server (108), convert such the aiding data to the interface data that is transparent to the Geolocation server protocol, and pass the data to the GPS section (200) so that the GPS section can receive the aiding data provided by Geolocation server (108) when communication between the GPS section (200) and the call processing section (200) is established. In Garin, the aiding data is sent transparently to the wireless handset. The aiding data sent from the Geolocation server (108) is not manipulated, but received at the GPS section (200) transparently from the Geolocation server.

The appellant argued at page 13, lines 5-18, that Garin does not teach or suggest a GPS interface or any other component or module where protocol aiding data is received and converted, and that there is noting in Garin teaches or suggests the step

of processing protocol aiding data whereby it is converted to transparent interface data. In contrast, the examiner has recognized the Garin's wireless handset (104) illustrated in his invention comprises a call processing section (200) and the data link RS 232 provided for receiving aiding data, converting said data and passing the data to the GPS section (202, 302) (see GPS section 202 shown in figure 2, and further the GPS section 302 shown in figure 3).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interference section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3663

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Conferees:

Tuan C To (Examiner) /TT/

Jack Keith (S.P.E) /JWK/

Thomas Black (Appeal Specialist) /TGB/

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

August 13, 2009